



C.R.P.(MD)No.1865 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 18.09.2024

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

C.R.P.(MD)No.1865 of 2024  
and  
C.M.P.(MD)No.10562 of 2024

S.Sankar

... Petitioner / Petitioner / Plaintiff

Vs.

1.S.Sasikala

2.Indian Bank,  
Main Branch,  
Kariakudi.

... Respondents / Respondents / Defendants

**Prayer:** Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order passed in I.A.No.3 of 2023 in O.S.No.27 of 2018 on the file of the Sub Court, Devakottai dated 20.03.2024.

For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.R.Senthil Kumar  
for R1  
: Mr.C.Karthick  
for R2



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## **ORDER**

Heard the learned counsel on either side.

2. The plaintiff in O.S.No.27 of 2018 on the file of the Sub Court, Devakottai is the revision petitioner herein. He filed I.A.No.3 of 2023 for amendment.

3. It is a pre trial amendment and therefore, one must have a liberal approach. The petitioner sought three amendments. The suit is for declaration and injunction and the plaintiff wanted to include Plot Nos.287 & 288 in Ponvizha Nagar. It is seen that both these plots were sold to third parties even before filing of the suit. Admittedly, the plots stood in the name of the first defendant. If at this stage, the plots are allowed to be included, it would definitely cause prejudice to the third parties. As already noted by the court below, the amendment application was filed after the delay of five years. Therefore, the order of the court below in refusing to include Plot Nos.287 & 288 is sustained. The plaintiff only wants to delete Item 5 and Items 7 & 8. This is because, Items 7 & 8 had already been included as Items 3 & 4. Therefore, no objection can be taken for deletion of Items 5, 7 & 8. This part of the amendment application is allowed and the order of the court below to this extent is set aside.



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4. The Civil Revision Petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

**18.09.2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
rmi

To:

The Sub Court, Devakottai .



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**G.R.SWAMINATHAN, J.**

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